IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1999 (S/S) of 2005

Radha Rani, W/o J.C. Lal,
Presently posted as Mahila Bandi Rakshak,
Sub Jail Haldwani,
District- Nainital,
Permanent R/o Railway Colony,
Izzat Nagar, Bareilly
District – Bareilly. **…….Petitioners**

Versus

1. Union of India, through its Secretary, Personnel, Ministry of Personnel Public Grievance and Pensions, Department, of State Re-organization, Lok Nayak Bhawan, 3rd Floor, Khan Market, New Delhi.
2. Chairman, State Advisory Committee, Gate No. 31, Jawahar Lal Nehru Stadium, Lodhi, Road, New Delhi.
3. State of U.P. through Member Secretary, State Advisory Committee, State Co-ordination Department, Uttar Pradesh Shashan, Room No. 716 Janpath Market, Hazratganj, Lucknow.
4. State of Uttaranchal, through Principal Secretary Home, Government of Uttaranchal, Dehradun.
5. Inspector General, Jail, Uttaranchal Shashan, Dehradun.

…....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Parikshit Saini, learned counsel for the petitioner, Smt. Anjali, learned standing counsel for Union of India on behalf of respondents no. 1 and 2, smt. Beena Pandey, learned standing counsel for State of Uttar Pradesh on behalf of respondents no. 3 and learned standing counsel for State of Uttaranchal on behalf of respondents no. 4 and 5.

By means of this writ petition, the petitioner has prayed for following reliefs:

(a) *issue a writ, order, rule or direction in the nature of Mandamus commanding the respondents to decide the option submitted by the petitioner for retention of her services in the State of Uttar Pradesh and to relieve them accordingly at very early date.*

(b) *Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case in favour of the petitioner;*

(c) *award the costs of the present writ petition to the petitioner.*

The submission of the learned counsel for the petitioner is that petitioner is working as Mahila Bandi Rakshak in Sub Jail Haldwani, District – Nainital. She is permanent resident of State of U.P. and her husband is a Government employee, who is working in the Railway Department and posted in District- Bareilly, State of U.P.

On the creation of State of Uttaranchal, petitioner had opted for State of U.P. and she has been finally allocated to State of Uttar Pradesh in the month of May, 2005. In spite of the facts that she has been finally allocated State of U.P., State of Uttaranchal has yet not relieved her for State of U.P.

Petitioner has already made a representation before respondent no. 5 i.e. Inspector General of Police, Jail, Government of Uttaranchal, Dehradun on 05.07.2005, which is Annexure 3 to the writ petition.

During the course of argument, learned counsel for the petitioner has confined his prayer that respondent no. 5 may be directed to decide the petitioner's representation at the earliest.

As stated above, according to the petitioner, she has been finally allocated State of U.P. in the month of May, 2005. Respondent no. 5 i.e. Inspector General of Police, Jail, Government of Uttaranchal, Dehradun is directed to take decision on the representation of the petitioner dated 05.07.2005 within a period of thee weeks from the date of production of certified copy of this order and shall pass necessary order for relieving the petitioner for State of Uttar Pradesh.

With this direction the writ petition is finally disposed of . No order as to costs.

(M. M. Ghildiyal, J)

May 15, 2006
SKSharma